HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION
Dated Nainital the 22nd day of June, 2005
Criminal Misc. Bail Application No. 430 of 2005
Order on the bail application of the accused.

CRIMINAL SIDE

Ramesh Chandra Arya
S/o Shri Suresh Chandra Arya alias Gobind Ram Arya
R/o Village Paharpani, Police Station- Mukteshwar,
District Nainital

…… Accused/Applicant
(in jail)

Versus

State of Uttaranchal …….. Respondent

Case Crime No.285 of 2005
Under Sections 8 (c) 18/20 NDPS Act,
Police Station Sitarganj, District U.S. Nagar

BY THE COURT

Hon'ble J.C.S. Rawat, J.

Heard Sri Sandeep Tandon, learned counsel for the applicant and learned A.G.A. for the State.

It is alleged that 1 kilogram of Charas was recovered from the applicant/accused. It is further alleged that quantity was not was not weighed at the time of recovery, hence it cannot be said that it is one kilogram or below. Learned counsel for the applicant further contended that the presumption should be drawn in favour of the accused that it may be less than one kilogram, which is not a commercial quantity. The applicant has no criminal history. There are reasonable grounds for believing that the applicant accused is not guilty of such offence and that he is not likely to commit any such offence while on bail.

Considering the totality, under the facts and circumstances of the present case, it is a fit case for the bail. Let the applicant-accused be released in bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the CJM concerned.

Dated : 22.06.2005 (J.C.S. Rawat, J.)
Rajeev Dang